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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/529,550	03/29/2005	Yuji Kuwabara	2005_0454A	7902	
	7590 10/09/200 , LIND & PONACK, I	EXAMINER			
1030 15th Street, N.W., Suite 400 East			PADEN, CAROLYN A		
Washington, Do	ℂ 20005-1503	ART UNIT	PAPER NUMBER		
_			1794		
			MAIL DATE	DELIVERY MODE	
			10/09/2009	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)		
10/529,550	KUWABARA ET AL.		
Examiner	Art Unit		
Carolyn A. Paden	1794		

-The MAILING DATE of this communication appears on the cover sheet with the correspondence address - THE REPLY FILED 02 October 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. 1. ★*The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of the application, applicant must timely file one of the following repless (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance, (2) a. Notice of Appeal with appeal feel pin compliance with 37° CFR 4.1.31′, or (3) a Request for Continued Examination (RCE) in compliance with 37° CFR 1.1.14. The reply must be filed within one of the following time periods: a) ★** The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than 51x McNTHS from the mailing date of the final rejection. Examiner Note: If lox is checked, check either box (2) or (7) O.NLY CHECK DOX (7) WHEN THE FIRST REPLY-WAS FILED WITHIN TV Extensions of time may be obtained under 37° CFR 1.13(e).) The date on which the petition under 37° CFR 1.13(e) and the appropriate outsions for beautiful to the date for proposes of determining the period of startesions and the corresponding amount of the feet. The second reply active the date for proposes of determining the period of startesions and the corresponding amount of the feet. The second reply active the date for proposes of determining the period of startesions and the corresponding amount of the feet. The second reply active the date of proposes of determining the period of startesion and the corresponding amount of the feet. The second replace is the final Office action, or (2) set forth in 13° CFR 4.1.37(e), or any extension thereof (37° CFR 4.1.37(e)), to avoid dismissal of the appeal. Since Notice of Appeal was filed on A Fire India active the date of fili		Carolyli A. Fadeli	1794	
 1.	The MAILING DATE of this communication appear	ars on the cover sheet with the c	correspondence add	ress
application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places th application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 1.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: a) The period for reply expiresmonths from the mailing date of the final rejection. b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In or event, however, will be statutory period for reply expire alter than SIX MONTHS from the mailing date of the final rejection. Examiner Note: If box 1 is checked, check other hox (a) or (b) ONLY OHECK BOX (6) WHEN THE FIRST REPLY WAS FILED WITHIN TW. Extension Of time may be obtained under 37 CFR 1.136(a). The date on which the patition under 37 CFR 1.136(a) and the appropriate extension for have been of time may be obtained under 37 CFR 1.136(a). The date on which the patition under 37 CFR 1.136(a) and the appropriate extension for have been of time may be obtained under 37 CFR 1.136(a). The date on which the patition under 37 CFR 1.136(a) and the appropriate extension for have been of time may be obtained under 37 CFR 1.136(a). The date on the shortened statutory period for reply originally set in the final Office action. Or (2): set forth in (b) above. If checked. Any reply received by the Office later than three months after the mailing date of the final rejection, over if timely filed any reduce any earned patient term adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL 2. The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal was filed on _	THE REPLY FILED 02 October 2009 FAILS TO PLACE THIS A	PPLICATION IN CONDITION FOR	R ALLOWANCE.	
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MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f). Extensions of time may be obtained under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed of the final rejection, even if timely filed may reduce any earned patent term adjustment. See 37 CFR 1.70(b). NOTICE OF APPEAL 2.	b) The period for reply expires on: (1) the mailing date of this Ac no event, however, will the statutory period for reply expire la	lvisory Action, or (2) the date set forth ter than SIX MONTHS from the mailing	g date of the final rejection	n.
have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fer under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply origin yet in the final Office action; or (2) set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed may reduce any earned patent term adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 (m), to avoid dismissal of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(m)), to avoid dismissal of the appeal. Since Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS	MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f)) <u>.</u>		
2. ☐ The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date or filling the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS 3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below); (b) ☐ They raise the issue of new matter (see NOTE below); (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal, and/or (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims. NOTE:	have been filed is the date for purposes of determining the period of exteunder 37 CFR 1.17(a) is calculated from: (1) the expiration date of the state forth in (b) above, if checked. Any reply received by the Office later that may reduce any earned patent term adjustment. See 37 CFR 1.704(b).	ension and the corresponding amount on tending amount of the corresponding amount of the correct and the corre	of the fee. The appropri- nally set in the final Offic	ate extension fee e action; or (2) as
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NOTE: (See 37 CFR 1.116 and 41.33(a)). 4.	appeal; and/or			ne issues for
 The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). Applicant's reply has overcome the following rejection(s): Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: none. Claim(s) objected to: none. Claim(s) objected to: none. Claim(s) rejected: 16, 17, 20, 22-30, 32. Claim(s) withdrawn from consideration: none. AFFIDAVIT OR OTHER EVIDENCE The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e). The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1). The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. REQUEST FOR RECONSIDERATION/OTHER The request for reconsideration has been considered but does NOT place the application in condition for allowance because: Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s)	· · · · · · · · · · · · · · · · · · ·	orresponding number of finally reje	ected claims.	
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Primary Examiner, Art Unit 1794			nit 1794	